

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

PERIENNE DE JARAY,

Plaintiff,

v.

ATTORNEY GENERAL OF CANADA
FOR HER MAJESTY THE QUEEN,
CANADIAN BORDER SERVICES
AGENCY, GLOBAL AFFAIRS CANADA
fka DEPARTMENT OF FOREIGN
AFFAIRS AND INTERNATIONAL
TRADE CANADA, GEORGE WEBB,
KEVIN VARGA, and PATRICK LISKA,

Defendants.

No.: 2:16-cv-00571

PLAINTIFF'S FIRST SET OF
INTERROGATORIES AND REQUESTS
FOR PRODUCTION TO ALL
DEFENDANTS

TO: All Defendants and their attorneys

Pursuant to Federal Rules of Civil Procedure 26, 33, and 34, Plaintiff Perienne de Jaray submits the following First Set of Interrogatories and Requests for Production of Documents ("First Written Discovery Requests") to be answered within thirty (30) days of the date they are served on all Defendants. Please serve the original of the responses to the First Written Discovery Requests to the offices of Maloney Lauersdorf Reiner PC, 1111 E. Burnside Street, Suite 300, Portland, Oregon 97214.

Pursuant to FRCP 26(e), Plaintiff's request is intended to be perpetual

throughout the pendency of this action so that any new documents or information requested below should be promptly forwarded to Plaintiff's attorneys after any such documents or information comes within the Defendants' possession, control, or custody.

DEFINITIONS

For purposes of these First Written Discovery Requests, the following terms shall have the meanings set forth below. Please review these definitions carefully as some terms may have different or broader meanings than when used in common parlance.

1. The terms "**person**" and "**persons**" refer to and include natural persons, corporations, partnerships, proprietorships, joint ventures, unincorporated associations, trusts, estates, governments (including agencies), quasi-public entities, and all other forms of specifically identifiable legal entities, including law firms and other legal entities practicing law.

2. The singular form of a word, e.g., "**person**," shall also refer to the plural. Words used in the masculine, feminine, or neutral gender refer to all genders.

3. The terms "**and**" includes the disjunctive "**or**"; "**or**" includes the conjunctive "**and**."

4. The terms "**identify**" and "**identification**" mean:

- (a) When used in reference to a document: its date, author, and recipient and their respective addresses, and the names of each present custodian;
- (b) When used in reference to a meeting, conversation, or other communication: the date and place such meeting conversation, or other communication took place, the identity of each person who participated in, or who was present during, any part or all of said meeting, conversation, or other communication;

(c) When used in reference to a natural person: his or her full name and present or last known address and his or her present or last known business position or affiliation; and

(d) When used in reference to a corporation, partnership, or other entity: the full name and last known address of said entity, together with its principal business purpose.

5. The terms “**document**” and “**documents**” mean writing(s) of every kind, source, and authorship, both originals and all non-identical copies thereof, in your possession, custody, or control, or known by you to exist. These terms shall include any handwritten, typewritten, printed, photocopied, photographic, or recorded matter. These terms shall include the original (or a copy when the original is not available) and each non-identical copy (including those which are non-identical by reason of notations or markings) of any source of information, including but not limited to, any book, pamphlet, periodical, letter, email, email attachment, report, memorandum, handwritten note, notation, message, facsimiles, telegram, cable, record, draft, diary, study, analysis, summary, magazine, booklet, circular, bulletin, instructions, minutes, photograph, purchase order, bill, check, tabulation, questionnaire, survey, drawing, sketch, working paper, chart, study, index, tape, correspondence, records of purchase or sale, contracts, agreements, leases, invoices, expense records, trip records, release appraisal, valuations, estimates, opinions, financial statement, accounting record, income statement, electronic or other transcriptions or taping of telephone or personal conversations or conferences, or any and all other written, printed, typed, punched taped, filmed or graphic matter, or tangible thing, of whatever description, however produced or reproduced (including computer stored or generated data, together with instructions and programs necessary to search or retrieve such data), and shall

1 include all attachments and enclosures to any requested item, which shall not
2 be separated from the item to which they are attached or enclosed.

3 6. The phrase “**oral communications**” means any utterance made or
4 heard, whether in person, by telephone, or otherwise.

5 7. The terms “**refer**” or “**referred to**” or “**relate**” or “**related to**” or
6 “**relating to**” mean relating, discussing or pertaining in any way, directly or
7 indirectly, to a document or class of documents, event, act, occurrence, and
8 includes without limitation, concerning, alluding to, responding to, in
9 connection with, commenting on, in response to, about, regarding,
10 announcing, explaining, describing, studying, analyzing, constituting,
11 comprising, constituting, analyzing, evidencing, comparing, summarizing,
12 discussing, reflecting, showing, forming the basis of, containing, supporting the
13 event, act, or occurrence.

14 8. The terms “**you**” and “**yours**” mean and include each of the
15 Defendants, and all agencies, bureaus, divisions, agents, attorneys,
16 representatives, consultants, and all other persons either acting or purporting
17 to act on behalf of each Defendant.

18 9. The terms “**we**,” “**us**,” and “**Plaintiff**” mean and include Perienne
19 de Jaray, and all agents, attorneys, representatives, consultants, and all other
20 persons acting on behalf of Plaintiff.

21 10. The term “**United States Government**” means and includes the
22 Government of the United States of America, including the Federal Bureau of
23 Investigation, Immigration and Customs Enforcement, the United States
24 Department of Homeland Security, Citizenship and Immigration Services, the
25 United States Attorneys Office, the United States Department of Justice, Office
26 of the Inspector General, the Department of State, the National Security

Agency, Customs and Border Protection, or Central Intelligence Agency, and all other agencies, bureaus, divisions, agents, attorneys, representatives, consultants, and all other persons either acting or purporting to act on behalf of the United States Government.

11. The term “**Washington State Government**” means and includes the Government of Washington State, and all agencies, bureaus, divisions, agents, attorneys, representatives, consultants, and all other persons either acting or purporting to act on behalf of the Washington State Government.

12. The term “**Apex**” means and includes Apex Canada, Apex-Micro America, Apex USA, Caliber Component Solutions, and all subsidiaries, divisions, agents, attorneys, representatives, consultants, and all other persons or entities either acting or purporting to act on behalf of Apex.

13. The term “**AMFD**” means and includes American Micro-Fuel Device Corp., RideMaxx, and all subsidiaries, agents, attorneys, representatives, consultants, and all other persons or entities either acting or purporting to act on behalf of AMFD.

14. The term “**Steven de Jaray**” means and includes Steven de Jaray, and all agents, attorneys, representatives, consultants, and all other persons or entities either acting or purporting to act on behalf of Steven de Jaray.

15. The term “**Indictment**” means the indictment attached at Exhibit 1 to these First Written Discovery Requests.

16. The term “**Seized Goods**” means the “programmable logic devices” seized by the Government of Canada and referred to in the indictment of Plaintiff sworn by the Government of Canada on April 29, 2010, a copy of which is attached at Exhibit 1 to these First Written Discovery Requests.

INSTRUCTIONS

1. These requests seek production of documents within the possession, custody or control of you, and include, but are not limited to, documents in the custody, possession or control of any persons or entities appointed to act on your behalf, including, but not limited to, agencies, bureaus, divisions, agents, advisors, investigators, and attorneys.

2. These requests are continuing in nature, and you are requested promptly to provide any additional information or documents of the indicated descriptions that are discovered or identified at any time after the initial production of information or documents.

3. Each document of the kind requested herein shall be produced in a manner which preserves its sequential relationship with other documents being produced.

4. If any requested document was, but is no longer, in your possession, custody or control, state what disposition was made of it and the reason for such disposition.

5. If you withhold any requested information or document on the ground of privilege, work product, or otherwise, identify the specific grounds upon which your objection is based and the particular request to which you object. In addition, identify the following with respect to each piece of information or document withheld: its date, its author, its recipient, if any, and a general description as to the nature and subject matter of the information contained within the document. Notwithstanding the assertion of an objection, non-objectionable matter that is relevant and responsive to these First Written Discovery Requests must be disclosed.

INTERROGATORIES / REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Produce all documents related to each and every communication, whether in computerized form or otherwise, including but not limited to, oral communications, telephone calls, letters, emails, memorandums, and notes referring or relating to the Indictment, the Seized Goods, Apex, AMFD, Perienne de Jaray, or Steven de Jaray that were generated between you and each of the following: (i) the United States Government, (ii) the Washington State Government, (iii) any governmental agency for the United States Government, (iv) any governmental agency for the Washington State Government, or (v) any state or federal court in Washington State.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: Produce all documents provided to the United States Government related to the Indictment, the Seized Goods, Apex, AMFD, Perienne de Jaray, or Steven de Jaray since 2006.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: Produce all documents received from the United States Government related to the Indictment, the Seized Goods, Apex, AMFD, Perienne de Jaray, or Steven de Jaray since 2006.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: Produce all documents provided to the Washington State Government related to the Indictment, the

1 Seized Goods, Apex, AMFD, Perienne de Jaray, or Steven de Jaray since 2006.

2 **RESPONSE:**

3
4 **REQUEST FOR PRODUCTION NO. 5:** Produce all documents
5 received from the Washington State Government related to the Indictment,
6 the Seized Goods, Apex, AMFD, Perienne de Jaray, or Steven de Jaray since
7 2006.

8 **RESPONSE:**

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10 **INTERROGATORY NO. 1:** Identify all persons or entities located or
11 residing in the United States with whom you have had communications,
12 whether verbal or written, about the Indictment, the Seized Goods, Apex,
13 AMFD, Perienne de Jaray, or Steven de Jaray. For each, identify the date, the
14 location, and the substance of the communication.

15 **ANSWER:**

16
17 **REQUEST FOR PRODUCTION NO. 6:** Produce a copy of each and
18 every document relating to your answer to Interrogatory No. 1, specifically
19 including, but not limited to, written or transcribed statements, and video-
20 or audio-taped recordings of studies, tests, inspections, statements or
21 interviews.

22 **RESPONSE:**

1 **REQUEST FOR PRODUCTION NO. 7:** Produce a copy of each and
2 every document, including, but not limited to, written or transcribed
3 statements, and video- or audio-taped recordings of studies, tests,
4 inspections, statements or interviews, provided to or received from each
5 person or entity listed in your response to Interrogatory No. 1.

6 **RESPONSE:**
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8 **REQUEST FOR PRODUCTION NO. 8:** Produce all documents that
9 refer, reflect, relate, or concern the Indictment, the Seized Goods, Apex,
10 AMFD, Perienne de Jaray, or Steven de Jaray related to any request for
11 assistance under any treaty with the United States.

12 **RESPONSE:**
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14 **REQUEST FOR PRODUCTION NO. 9:** Produce all documents that
15 refer, reflect, relate, or concern any communication between you and any
16 person, entity, association, organization, or company in the United States
17 (including, but not limited to, the United States Government and the
18 Washington State Government) concerning the Indictment, the Seized Goods,
19 Apex, AMFD, Perienne de Jaray, or Steven de Jaray since 2006.

20 **RESPONSE:**
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22 **INTERROGATORY NO. 2:** State the date upon which each of the
23 criminal charges against Perienne de Jaray were formally dismissed.

24 **ANSWER:**
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1 **REQUEST FOR PRODUCTION NO. 10:** Produce all documents that
2 reflect your response to Interrogatory No. 2.

3 **RESPONSE:**
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5 **INTERROGATORY NO. 3:** Identify each witness that you contend is
6 unwilling to testify in this case and the substance of the witness's
7 testimony.

8 **ANSWER:**
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10 **REQUEST FOR PRODUCTION NO. 11:** Produce all documents that
11 reflect your response to Interrogatory No. 3.

12 **RESPONSE:**
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14 **INTERROGATORY NO. 4:** Aside from this lawsuit, identify any past
15 or potential judicial proceeding arising out of the facts alleged in Plaintiff's
16 complaint in this case.

17 **ANSWER:**
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19 **REQUEST FOR PRODUCTION NO. 12:** Produce all documents that
20 reflect your response to Interrogatory No. 4.

21 **RESPONSE:**
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VERIFICATION

I, _____, declare and state as follows:

I am the _____ of _____, [PARTY] in the above-captioned matter upon whom these interrogatories and requests for production were propounded. I have read the foregoing answers and responses to the same, know the contents thereof, and I declare under penalty of perjury under the laws of the United States that the answers are true and complete, to the best of my information and belief.

DATED this _____ day of _____, 20__, at _____, Oregon.

By: _____

Printed Name: _____

Title: _____

On behalf of _____

VERIFICATION

CERTIFICATION

The undersigned attorney for Defendants has read the foregoing answers and responses to Plaintiff's First Set of Interrogatories and Requests for Production, and certifies compliance with Rule 26.

DATED this _____ day of _____, 20____.

Name: _____
Firm: _____
Bar #: _____

CERTIFICATION

CERTIFICATE OF SERVICE

I hereby certify that on October 13, 2016, I served the foregoing
PLAINTIFF'S FIRST SET OF INTERROGATORIES AND REQUESTS FOR
PRODUCTION on the following party at the following address:

David R. West, WSBA #13680
Donald B. Scaramastra, WSBA #21416
Victoria M. Slade, WSBA #44597
Garvey Schubert Barer
1191 Second Avenue, 18th Floor
Seattle, WA 98101

by emailing a true and correct copy thereof.

MALONEY LAUERSDORF REINER, PC

By /s/Andrew C. Lauersdorf
Andrew C. Lauersdorf, WSBA #35418
E-Mail: acl@mlrlegalteam.com
Janis C. Puracal, WSBA #39234
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Attorneys for Plaintiff Perienne de Jaray